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SUMMARY RECORD OF THE 323rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 27 September 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Nigeria (continued) (CRC/C/8/Add.26; CRC/C.12/WP.4)

1. At the invitation of the Chairperson, Mrs. Attah, Mr. Abuah, Mrs. Ali, Mr. Waminaje, Mr. Nzeako, Mr. Adeyemi, Mrs. Holloway, Mr. Gwam, Mrs. Mowoe, Mr. Dankani, Mr. Indabawa, Mr. Atunwa, Mr. Nwabiala and Mr. Oladeji (Nigeria) resumed their places at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions on the sections of the list of issues (CRC/C.12/WP.4) entitled "Family environment and alternative care" and "Basic health and welfare".

3. Mrs. BADRAN, referring to Nigeria's poor health indicators, said she hoped that preventive health would be given higher priority and asked whether Nigeria had conducted a mid-decade evaluation of the health sector

4. Mr. HAMMARBERG said that the UNICEF Situation Analysis Report on Children and Women in Nigeria created the impression that Nigeria's emphasis on preventive health care had been the result of a relatively recent shift in policy. He requested clarification on how the Government planned to ensure that preventive health care received the urgent attention it deserved.

5. Mrs. EUFEMIO said the extended family was extremely important in view of the increasing numbers of working women and households headed by single mothers in Nigeria. She asked whether the Nigerian Government had any ideas on how the breakdown of the extended family could be prevented.

6. Mrs. ATTAH (Nigeria) said that her Government had never given higher priority to curative health care than to preventive health care. There had always been dispensaries throughout Nigeria and they were staffed by nurses and public health officers. Teaching hospitals had been introduced relatively recently. The Government had stressed the need for an increase in the number of medical centres to cope with the increase in the size of the population. She said that she did not know on what basis UNICEF's conclusions had been drawn.

7. The text of the National Health Plan 1996-2005 and other documents available to the Committee showed that a mid-decade evaluation of the health sector had been carried out.

8. The gradual breakdown of the extended family network was difficult to prevent because it reflected the erosion of the population's financial situation. Whereas, formerly, families could support and raise the children of less prosperous relatives, economic hardships had threatened the continuation of such customs. The extended family was nevertheless still a strong institution in Nigeria and there were only very few elderly persons in homes for the aged.

9. The CHAIRPERSON said it was regrettable that there was no representative of the health services present to clarify the situation.

10. She invited the members of the Committee to ask questions on the section of the list of issues entitled "Education, leisure and cultural activities".

11. Mr. HAMMARBERG said that, while the certification of teachers and teacher registration were positive steps towards improving the quality of primary education, those steps had to be combined with measures that made the teaching profession more attractive. There had been some unrest among teachers due to poor working conditions and delays in the payment of their salaries. He was nevertheless not sure whether the certification and registration of teachers would be enough to solve problems in that sector and suggested that firmer action, with budgetary implications, was required. He therefore urged the Government to give higher priority to primary education.

12. School curricula had to be improved through the adoption of new teaching methods and meaningful life skills must be taught in accordance with the spirit of the Convention. Since corporal punishment was still practised in schools, although it was prohibited by law, he would like to have more information on the Government's policy in that regard.

13. Mrs. BADRAN asked whether Nigeria had considered conducting studies to identify non-traditional ways of improving the situation of teachers and the educational system in general. She also wished to know whether the results of the World Bank-assisted primary education project for 1991 to 1996 had been evaluated and whether the Government had a feeding programme to deal with the problem of malnutrition among schoolchildren.

14. Mrs. KARP said that she wished to know how the curriculum was used to promote the goals of the Convention. Was the teaching of the Convention compulsory? Were teachers informed of the meaning of the Convention and how they could use it as a teaching tool? What was done to promote the participation of children and to teach them how to exercise their rights under the Convention?

15. She was interested in hearing what was done in schools to increase awareness of child abuse and its symptoms.

16. Miss MASON, referring to the disarray in the primary school system, drew attention to the importance of parent involvement. She asked what role parent-teacher associations played in helping to prevent the deterioration of the educational system.

17. Mrs. EUFEMIO said she was convinced that the problem of single-parent households and the breakdown of family life could be dealt with at an early stage in the development of children. She asked whether Nigeria had targeted early-childhood education as an area in which behavioural patterns that would lead to harmonious relationships later in life would be instilled in children.

The meeting was suspended at 10.35 a.m. and resumed at 10.45 a.m.

18. Mrs. HOLLOWAY (Nigeria) said she agreed that education was Nigeria's highest priority for the total development of the child. In view of the need to improve the appeal of the teaching profession, the Government had recognized that the educational system was only as good as its teachers. With

regard to the idea that the primary education system was in disarray, she pointed out that primary school teachers had not taken any strike action in the past five years to protest against salary levels. The purposes of the latest strike, in 1993, had been the restoration of the National Primary Education Commission and the establishment of the Teachers' Council. Several measures had been implemented to improve teachers' conditions of service and she was pleased to report that teachers' salaries had reached the levels of those paid in the civil service 10 years earlier. Proposals submitted by the Nigerian Union of Teachers for a separate salary scale for teachers were being considered by the Government.

19. With regard to delays in the payment of salaries, she explained that, since the reinstatement of the National Primary Education Commission in 1993, the budget had been able to cover salaries, teaching materials and basic repairs of physical infrastructure and all salaries had been paid on time.

20. Protests had been staged in favour of the promotion of teachers at the primary and secondary levels, but it was because teachers formed the largest group in the Nigerian workforce that their promotion was not as rapid as in other sectors of the labour market.

21. Expenditure by the National Primary Education Commission on school repairs was still insufficient, but the Petroleum Trust Fund was expected to invest substantially in the rehabilitation of school buildings and the supply of instructional materials to primary and secondary schools in the country.

22. A proportion of the loan from the World Bank was also to be spent on books. Every child in primary education was to be provided with books for the four basic subjects: mathematics, English, social studies and elementary science. The textbooks for the first year had already been distributed and those for the second and third years were currently being printed.

23. Corporal punishment was not permitted by the legislation of any State, but, in practice, cultural influences meant that it did take place here and there. Where corporal punishment was administered in a school, it was strictly controlled and the school's own advisory board would have defined the circumstances in which it could be used.

24. Reference had been made to the need for a child-centred educational policy. The National Policy on Education, first enacted in 1977, revised in 1981 and now being revised again, set the child firmly at the centre both of the structure and the content of the educational system. As a result of the Policy, Nigeria had for the first time a centrally devised curriculum, listing and giving reasons for each of the topics taught and outlining the method of teaching. The basic principle of the current curriculum was diversification of the child's experience. Intellectual, practical and vocational skills were to be imparted that would benefit the child in life beyond school. Elements of practical and pre-vocational training were present at all levels.

25. The economic problems of the last decade had affected every area of national life. It had been suggested by members of the Committee that the scarcity of resources called for an exploration of non-traditional ways of providing education. Much had already been done and was still being done in

Nigeria in that direction. Since the mid-1980s, the Educational Research Council had been studying alternative ways of delivering quality education. Models had been developed in cooperation with UNESCO and UNICEF, at the pre-primary and primary levels especially, whereby children could learn without books and science could be taught without expensive equipment and materials.

26. One member of the Committee had asked whether there had been any evaluation of the World Bank-assisted project begun in 1992, and of its training component in particular. She regretted that there had been some delay in the implementation of the project because of the difficulty of counterpart funding and because the evaluation which should have been carried out in 1995 had been postponed to 1997. The training component was just beginning and some time would have to elapse before it could be evaluated.

27. In response to the question about provision for the health of schoolchildren, she recalled that it had been written into the National Policy on Education that every schoolchild should be seen regularly by a health worker. Unfortunately, that had not proved possible in practice because of the lack of resources. Instead, the schools made local arrangements where they could. Health care was therefore not institutionalized as provided for in the Policy but she emphasized that every child had access to, at least, a primary health-care worker. The new curriculum included a large health education component at every stage.

28. School meals were not provided on a nationally institutionalized basis. Most day schools arranged for local food sellers to bring cooked food to the school for sale to the children under the supervision of the school authorities, but, as the country's economic problems grew worse, fewer children could afford to buy it. The Government continued to provide food for boarding schools at subsidized rates. The Ministry of Education was in contact with the World Food Programme, especially about nutritional aspects. Developments in the Ministry, however, had not yet been translated into action in the schools.

29. Questions had been asked about the part played by the national curriculum in encouraging the teaching of the Convention and promoting the participation of children. Under the new curriculum, the subject of social studies was taught at the primary and junior secondary levels. Under that heading, the child received training in his own rights and responsibilities in society that incorporated much of the Convention's content. Even the first year of primary education included social studies and, at the university level, social studies formed part of the general studies programme which was compulsory for graduation.

30. A question had been asked about the way in which the national curriculum was used to develop children's participation and freedom of expression. The kind of freedom of expression developed by the curriculum had to take account of cultural norms in Nigeria, for example, respect for elders. The Educational Research Council had worked hard to reconcile the principles of participation and freedom of expression with those cultural norms and children now in school undoubtedly spoke more freely than children had during her own school days. There were also extracurricular activities, such as debating

societies and popular television programmes, which encouraged self-expression. Children were encouraged to attend the reading centres set up all over the country, where books and magazines of interest to children could be found.

31. With regard to participation by children in school discipline, she said that, in all secondary schools, there were disciplinary committees composed partly of teachers and partly of children and sometimes including representatives of the school's parent-teacher association. As to the way in which the curriculum might be used to raise awareness of child abuse, she said that the main approach was through social studies. Children were taught how they should expect to be treated. She noted that cultural norms in Nigeria relating to the protection of children were sometimes more advanced than the Convention itself.

32. The role of parent-teacher associations (PTAs) in the development of the educational system was considerable. Local PTAs had long been strong in Nigeria and a National Parent-Teacher Association had been founded in the early 1990s. Representatives were invited to participate in every policy decision at the national level. About three years previously, PTA branches had come from all over the country to participate in consultations about the way forward for the educational system. At the local level, PTAs injected almost as much funding into the schools as local Governments. They repaired buildings and provided furniture for both primary and secondary schools. They were extremely supportive and understood fully that their support meant the difference between poor and quality education. She emphasized again that the primary and secondary school system in Nigeria was not in disarray. There was a stalemate at the university level, but at the lower level the system was functioning satisfactorily.

33. As far as early childhood education was concerned, the emphasis on pre-primary schooling was fairly recent. Formerly, it had been the domain of private schools, but, with the assistance of a UNICEF-supported programme on early childhood and development, it had become more widespread. The UNICEF scheme had developed an awareness at the grass-roots of the possibilities of voluntary community action.

34. In reply to the question whether mothers were educated to foster stability in family life, she said that cultural norms meant that separation of husband and wife happened less easily in Nigeria. The culture supported and cemented family life and made parents aware that they should stay together for the good of their children. A related question had been how preschool activities could be used to create awareness of family at an early stage. Toys and family games had been common in Nigeria for many generations, before the Convention had ever been adopted.

35. The considerable proportion of children not enrolled in the formal school system were also served by the national curriculum. In Muslim areas, a large number of children attended Koranic schools, in accordance with their parents' preference. Work had started some years ago, with the support of UNICEF, on integrating formal education into religious schools. In the northern States, consultations had been held between religious leaders and education professionals with a view to determining how that was to be done. It was

hoped that integration would have been achieved within another two years and that children in Koranic schools would be receiving many of the elements of the formal education system.

36. Mr. INDABAWA (Nigeria) said that many of the Committee's questions concerned the theory of child-centred education. Efforts had long been made in Nigeria to put that theory into effect. It had now been translated into practice in the teaching of many subjects, especially at the primary and junior secondary school levels. Along with the textbooks for each subject, teacher's guides were prepared, which the teachers were expected to use and which required the pupils' active participation. The requirement was strictly adhered to and school inspectors always looked for active involvement on the part of the children. The philosophy was instilled into teacher trainees at the training colleges. Provision was also made for teacher retraining to enable serving teachers to acquaint themselves with new ideas and skills.

37. The non-formal sector, in other words, the Koranic schools, constituted an interesting feature of the Nigerian educational system. Children entered those schools very early and were allowed to proceed entirely at their own pace, in keeping with the theory of child-centred delivery.

38. In addition to participatory rights in matters of the curriculum, school children in Nigeria had many other means to develop their capacity for self-expression. There were clubs of all kinds in every school, and they were one of the attractions of schooling. Pupils were involved in matters of discipline through the appointment of school prefects and class monitors. Such appointments offered valuable training in leadership and in serving others.

39. Regarding the involvement of PTAs, he noted that there were plans by the National Primary Education Commission and the corresponding State boards to formalize the involvement of parents. The practice had been successful in many countries, giving parent-teacher associations a formal role in monitoring staff performance, student discipline, academic achievement and so forth.

40. As to school meals, he said that, although the economy made it impossible to provide meals nationwide, efforts were being made in some areas to provide one meal a day. Many parents in some parts of the country preferred their children to attend Koranic schools and the meals were provided in order to attract them into the formal sector. At all boarding schools, meals were provided three times a day and their quality monitored by the Federal Government.

41. The new Children's Decree was intended to regulate the many institutions for children under six years of age outside the formal school system, such as day-care centres and nursery schools, to see that they were registered and integrated into the formal sector.

42. Miss MASON asked how the curriculum described fitted into the special system of education for the children of nomads and fishermen. Was the emphasis academic or did the system concentrate on life skills?

43. The CHAIRPERSON invited the Committee to ask questions on the section of the list of issues entitled "Special protection measures".

44. Mrs. SANTOS PAIS said she had been somewhat surprised to learn that juvenile courts were competent to consider criminal cases, since she had understood from paragraph 36 of the report that a child below the age of seven could not commit an offence. If that was so, why were children brought before the juvenile court? What kind of sentences were passed in respect of such children and how was it ensured that the child's best interests were taken into account? Under the Children's Decree, children would be brought before family courts and "appropriate" measures would be applied. What was to be understood by "appropriate" and could the Committee be sure that such measures would be in conformity with the rights of the child?

45. It had been stated that "special measures" would be applied in the case of a child between 14 and 17 years of age. What were those special measures and what assurance was there that the fundamental rights of the child were respected and that legal safeguards, particularly those prescribed in article 40 of the Convention, would be applied by the courts? It had also been stated that, in future, no pleas would be taken in such cases and that proceedings would be "informal", but would those proceedings provide for fundamental rights and legal safeguards?

46. The Convention clearly stated that capital punishment could not be imposed below the age of 18 years. In Nigeria, the age was set at 17, which was not in conformity with the Convention. How many children had been subjected to that punishment? She noted that, as an alternative, a child could be detained "during Her Majesty's pleasure", a formula which was in use in a number of countries. However, it gave the impression that the judge's decision in the matter was likely to be highly subjective.

47. The Convention stated that children should be deprived of their liberty only as a last resort and for the shortest possible period of time. How could deprivation of liberty ensure the social reintegration of the child? Section 306 of Nigeria's Criminal Code stated that killing was unlawful unless "authorized, justified or excused by law". That seemed to be an indirect justification of killing and did not appear to be consistent with the need to respect and protect the right to life. What guarantee was there that it would not be used in an arbitrary way?

48. In its replies, Nigeria had stated that there were currently 294 children deprived of their liberty, some on the grounds that they were beyond parental control. In such cases, were no other measures considered, particularly those provided for in article 40, paragraph 4, of the Convention? In cases where a child had been abandoned or had left a rural area to live on the streets, how was parental control assessed and how could it be determined that deprivation of liberty was not merely an easy way out? Street children were a particularly vulnerable group and it was important that their rights should be defended.

49. She would appreciate more information on conditions in places of detention. According to Nigeria's replies, parents were allowed to contact their children "from time to time", but that did not seem enough in view of

the fact that children could be deprived of their liberty from the age of 12; the Convention required that such children should be in regular contact with their families. The report stated that there was some degree of supervision within the correctional system, but was any kind of independent monitoring carried out that would give children an opportunity to make complaints?

50. Mrs. KARP asked what steps were taken to monitor school attendance. What action was taken with regard to drop-outs and to their parents? Were data available on the results of any monitoring carried out?

51. She understood that a number of rehabilitation centres had been built for street children and that more were planned under the Children's Decree. How many street children were in fact reached by those measures? Had any studies been made on the impact of street life on the development of prostitution and what was the Government's policy in that regard? Were there services to help child victims of sexual or other kinds of abuse to make complaints to the police and give evidence in court?

52. Lastly, she would like to know more about how the law prohibiting pornography was implemented and what priority was being given to that problem by the authorities.

53. Mrs. BADRAN noted that, during the discussion, the Nigerian delegation had frequently referred to the important role of religion in the education of children. What kind of training did religious leaders receive and did they teach independently or as employees of the Government?

54. Had any study been made of what kind of complaints were made to the Child Rights Monitoring Centres and what kind of assistance was given following such complaints?

55. It had already been pointed out that the imprisonment of children should contain an element of therapy. Did the staff of prisons where children were held include social workers and counsellors who could provide such therapy and help the child achieve social reintegration?

56. Mr. HAMMARBERG pointed out that the expression "as a last resort" in article 37 of the Convention was often misunderstood as referring to children guilty of serious crimes; in fact, it meant that prison could be resorted to only if there was no other way of giving the child the protection it needed. The phrase "for the shortest possible period of time" implied that other measures than prison sentences should be sought. The documentation available to the Committee indicated that there was need for a radical review of the whole system of administration of juvenile justice in Nigeria; was such a review planned and what was the role of the Minister of Child Affairs as guardian of the interests of children in that vulnerable group?

57. Very little was said either in the report or the replies about the problem of child labour, apart from the statement that laws existed, but there were insufficient resources to monitor their implementation. Within the limits of available resources, what steps were being taken to protect children from abuses which could endanger their health and put their education at risk, as required under article 32 of the Convention?

58. Mrs. HOLLOWAY (Nigeria), replying to the question raised by Miss Mason, said that it was only in relatively recent times that the children of pastoral nomads and migrant fishermen had been given any formal education. Following studies conducted with the help of UNESCO, a National Commission for Nomadic Education had been set up in 1989. It had been recognized from the beginning that such children needed not only numeracy and literacy, but also skills relevant to their lifestyles and the normal primary school curriculum had thus been adapted to suit their needs. They were given instruction in the care of livestock and other agricultural skills, as well as in crafts. Those who went on to secondary education would enter normal schools, usually boarding-schools. At the post-secondary level they might go on to study at agricultural colleges or to train for other professions.

59. On the question of school drop-outs, she pointed out that primary education, although free and universal, was not yet compulsory in Nigeria. The drop-out rate at the primary level had peaked in 1987 at 51 per cent, but had fallen to 29 per cent in 1992 and it was hoped that, by the turn of the century, it would have dropped to between 1 and 5 per cent.

60. The education provided for street children was non-formal in nature, combining the teaching of literacy with vocational training. There were also a number of initiatives by non-governmental groups in that field.

61. Miss MASON noted that no information was given in the report on the problem of the sexual abuse and sexual exploitation of children. That problem transcended all boundaries and was not confined to children in developing countries or to children in situations of poverty. Many societies considered it taboo and, as a result, it could sometimes remain undetected, to the detriment of the child's mental and physical health. It was an area of the rights of the child that was least recognized and least often upheld.

62. In the case of Nigeria, she herself would put child marriage into the category of sexual abuse and exploitation. What was the Government's policy on the matter and what was its policy on other forms of child abuse, such as incest? Did the discovery of such an offence automatically result in the removal of the child from the home and were teachers trained in early detection of abuse? Was there a system of mandatory reporting by doctors and were police given training in how to deal with potential child victims? How did judges deal with child victims in rape cases and was there coordination between professionals dealing with children in that area? Did Nigeria consider that its judicial system was adequate to protect children in such cases and how was the child's right to privacy protected? Was it left to the judge's discretion whether or not to accept evidence given by a minor?

63. The Nigerian delegation had stated that several educational programmes were under way to discourage child marriages; what was the content of those programmes and did they involve the use of the mass media? Had any research been done on how to further the psychological and social reintegration of the child in such circumstances? Were there telephone help-lines for abused children and were refuges for them provided? Lastly, what was the level of compliance with article 39 of the Convention in that regard?

64. Mrs. EUFEMIO said it had been stated that in Nigeria children as young as four or five years old were sometimes taken into families as domestic helpers because their parents were poor or in debt. What was the effect of that practice on the child's development, how could its right to protection against economic exploitation be guaranteed? Was the Government considering the elimination of child labour, possibly using as a guide the ILO programme on the subject?

65. Miss MASON asked whether, in the light of the fact that Nigeria had been one of the countries represented at the recent Stockholm Congress, any initiatives had been taken to halt the commercial sexual exploitation of children by legislative or other measures.

66. Mr. INDABAWA (Nigeria) said that the age of criminal responsibility was a theoretical concept. It was more meaningful to consider what happened to children in actual practice. The fact that children were considered by law to be responsible for their acts at an age below 18 years did not necessarily mean that they were subjected to criminal proceedings. In Nigeria, the juvenile courts, which considered children's cases, were not criminal courts; under the Children and Young Persons Law, their function was to consider the welfare measures most appropriate for the rehabilitation of the children brought before them whom they found to have committed acts calling for such intervention. Hence, even children as young as seven, who were not deemed capable of committing a crime, were dealt with by the juvenile courts. In practice, therefore, Nigerian law operated no differently from any other juvenile justice system. The draft Children's Decree had gone beyond the setting of a theoretical age of criminal responsibility with all the conceptual difficulties that it involved; it had instead established the age, at 18 years, below which criminal processes and sanctions would not be applicable.

67. A question had been asked about the appropriateness of the decisions of the juvenile courts. Such courts were at present operating under the provisions of the 1958 Children and Young Persons Law, which were consistent with the Convention. The draft Children's Decree would go even further; it stated that nothing in the Convention would invalidate any more favourable provision of Nigerian laws relating to the rights of the child. The guiding principle of present and future law was to put the best interests of the child first, and that was consistent with the welfare model of juvenile justice administration and ensured that no violation of the rights of the child occurred. The draft Children's Decree would enact into domestic law all the provisions of the Convention and of the OAU Charter on the Rights and Welfare of the Child; in particular, it would oblige the courts to respect the legal status and rights of the child and fully guaranteed such rights as the presumption of innocence, the right to be notified of charges, the right to remain silent, the right to the presence of parent or guardian, the right to legal representation and free legal aid.

68. Child rights monitoring centres now existed in Nigeria. A report on their work had been published earlier in the year.

69. With regard to deprivation of liberty for children beyond parental control, section 26, subsection 2, of the Children and Young Persons Law provided that such action should be ordered only as a last resort. There was a wide range of other measures open to the courts before having recourse to deprivation of liberty. Under the Children and Young Persons Law, the police and social welfare workers were obliged to ensure that parents participated at all stages of an investigation and proceedings involving children. Parents who refused to do so could be charged with contempt of court. Provisions for the involvement of parents at every stage were set out in even greater detail in the draft Children's Decree in recognition of the fact that parents had the ultimate responsibility for the resocialization of children.

70. The protection of children against pornography was at present provided for by the 1961 Children and Young Persons Harmful Publications Act. Those provisions would be further strengthened by the draft Children's Decree.

71. The 1990 Nigerian Labour Act already regulated the employment of children. However, the draft Children's Decree would specifically prohibit exploitative labour. The absolute prohibition imposed by the latter on the employment of children in domestic service outside their own families had been introduced in recognition of the problems that the monitoring authority, namely, the Ministry of Labour and Productivity, would encounter in monitoring domestic environments, given its limited resources. However, parents would still be entitled to ask children to undertake light domestic chores in their own homes. That was a tradition in the African family.

72. Nigeria's present economic difficulties had inevitably affected the prison sector, but in any event there was no strong drive to build more prisons since that tended merely to increase the prison population. Attention was instead being focused on encouraging the courts to seek alternative remedies; the preparation of a set of sentencing guidelines was under consideration. Under present law, only young persons between 14 and 17 years of age were liable to a prison sentence, but then only as a last resort in particularly recalcitrant cases. Approved institutions other than prisons were available in Nigeria for the treatment of young offenders, although not in great numbers, not merely because of the shortage of funds, but also because the institutionalization of children and young people was not part of the national culture. Alternatives were therefore being encouraged.

73. Under present law, capital punishment had been abolished for all persons under 17 years of age. The draft Children's Decree merely raised that ceiling by a further year to 18. Once the draft Decree had entered into force, no child in Nigeria would be subject to capital punishment or to imprisonment.

74. The CHAIRPERSON said that the Committee was particularly interested in finding out whether Nigeria had any consistent policy for the social rehabilitation of all the groups of vulnerable children mentioned, such as street children and those affected by early marriage or prostitution.

75. Mr. WAMINAJE (Nigeria) said that no legislation currently existed to prevent child marriage, although the draft Children's Decree would prohibit the practice. Social workers had been organizing workshops throughout the Federation to familiarize the general public with the idea that child marriage

should be discouraged. As a measure to discourage the sexual abuse of children, the law prohibited an adult from fostering a child of the opposite sex.

76. The employment of children in domestic service in exchange for payment or as restitution of a debt was not a common practice in Nigeria. Families did, however, take in related children or children living in the neighbourhood as part of the cultural tradition of mutual assistance, all children in a neighbourhood being considered the responsibility of all the adults there, and an effort was made to pass skills on to them.

77. Social workers were assigned to any children in detention to help them and their parents prepare for the time of their release and re-acceptance into society. Very few cases of sexual and other exploitation of children were seen in the courts because they were rarely reported. Any complaints of such acts made to the authorities were pursued, offenders were prosecuted and victims and parents were counselled.

78. Mrs. ATTAH (Nigeria) said that Nigeria had very few children who slept in the streets. Street children generally lived with their parents, but spent their days on the street selling various articles. Full-time street children were found only in the large cities. The responsibility for their care and rehabilitation lay with the Government of the State concerned. Lagos, with the largest number of such street children, had recently established an institute to provide such children with vocational training and house them until they had found work and were able to live independently.

79. The CHAIRPERSON invited the members of the Committee to submit their concluding observations on the statements made by the Nigerian delegation.

80. Mr. HAMMARBERG said that the Committee was placed in a difficult situation with regard to the draft Children's Decree. Since it did not have the text of what would undoubtedly be a major piece of legislation, it was unable to discuss it constructively. The time when the decree would be enacted and the text available for analysis was eagerly awaited.

81. The transfer of the child rights unit from one ministry to another had evidently caused some difficulties. He hoped that the Ministry of Women's Affairs would also come to include children's affairs, so clarifying where fundamental responsibility for children's rights lay. There appeared to be a need for further discussion of coordination within Government circles and with the authorities at the State and local Government levels.

82. No answer had been given to question 4 on the list of issues relating to the proportion of the national budget devoted to expenditure on children. He recommended that serious consideration should be given, despite current economic constraints, to ensuring that children did not lose out in the competition for scarce resources. He hoped that consideration might be given to making further resources available for health and education from the Petroleum Trust Fund.

83. Further efforts to change attitudes towards traditional practices and the corporal punishment of children would be welcomed.

84. Mrs. SANTOS PAIS said that high priority should be given to the enactment of the draft Children's Decree. Once that had been done, the Committee would be in a position to discuss its compatibility with the Convention. It was very important that legislation should give the right message to society at large and that it should educate people about what was acceptable behaviour. In some areas, such as justice and child labour, existing law appeared out of step with the Convention. It was important that there should be a clear prohibition of capital punishment for persons under 18 years of age. It would also be preferable if Nigeria repealed the alternative measures contained, for example, in section 306 of the Criminal Code, since they still provided for execution under certain circumstances.

85. She welcomed the moves towards raising the age of criminal responsibility to 18, in accordance with the Convention. Current legislation still allowed children as young as 12 to be recognized as capable of understanding the wrongfulness or otherwise of their acts, and that left room for subjective interpretations and arbitrary decisions.

86. Care had to be taken to ensure that the distinction between criminal proceedings and social welfare measures was not merely one of form, but also one of substance. Legal safeguards needed to be put in place to guarantee that any welfare measures applicable would not be incompatible with the Convention. Any child liable to a decision involving deprivation of liberty should be accorded prompt access to legal assistance and to an impartial decision by a court on the issue. Every effort should be made to find alternatives to institutional care before a child was deprived of liberty.

87. Some rethinking was perhaps needed in references to parental control or to the need for parents to be present. In cases where children were the victims of parental abuse, the presence of parents might not be in the child's best interests; the law should take such circumstances into account.

88. It should be an independent body, and not the authorities responsible for implementing welfare measures or the administration of places in which children were deprived of liberty, which monitored such activities.

89. The legislation on child labour was considered to focus too exclusively on specific exclusions or conditions. It would be better for the emphasis to be placed on the child's right to health, education and harmonious development and for it to be clearly stated that, unless employment was compatible with those rights, it would not be permitted.

90. Mrs. KARP said it was essential to ensure that the legislation was being effectively implemented in practice. Decentralization was very important, as were the inclusion of local authorities in an integrated policy and the involvement of implementation committees at the local level. Local authorities should also be involved in budget decisions.

91. A comprehensive national social security programme was a necessity. No reply had been received with respect to prostitution and pornography in relation to children. Legislation alone would not be sufficient in that regard; measures to ensure restoration of health and social rehabilitation also had to be adopted.

92. It was hoped that a report on the delegation's meeting with the Committee would be published on its return to Nigeria, together with an indication of what action the Government intended to take as a result of that dialogue.

93. Mrs. BADRAN said that the statement in the report that child mortality in the under-five age group was rising in Nigeria indicated that the health sector should be given equal priority with education.

94. The CHAIRPERSON said there was a need to harmonize the informal and official systems of education. There was also a need for the systematic collection of data relating to the different categories of children in very difficult circumstances.

95. Mrs. ATTAH (Nigeria) said that the draft Children's Decree, which had been submitted to the Ministry of Women's Affairs and Social Development for additional input, had already been returned to the Ministry of Justice for further action. She would personally make every effort to ensure that the decree became law without delay and would provide copies of the text to the Committee thereafter. The Committee would also be kept informed of any other material published subsequent to the promulgation of the Decree.

96. Child prostitution was not a serious problem at present in Nigeria. Her country had, however, sent a delegation to Stockholm to learn from other countries' experience in dealing with the problem.

97. Her delegation had greatly appreciated the open manner in which the dialogue with the Committee had taken place and had endeavoured to provide comprehensive answers to the questions asked. It realized that such dialogue was an ongoing process and would be happy to continue to provide any other information that might be required.

98. The CHAIRPERSON thanked the Nigerian delegation for its contribution to the dialogue with the Committee. The Committee's conclusions and recommendations would subsequently be finalized and submitted officially in writing to the Nigerian Government, which, it was hoped, would take steps to make them public.

The meeting rose at 1.15 p.m.